

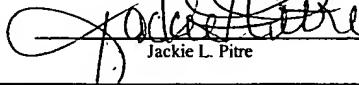


IP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/723,707
 Confirmation No.: 7840
 Filing Date: November 26, 2003
 Inventor: Robert E. Rodgers, Jr.
 Title: VARIABLE PATH EXERCISE APPARATUS

§ Examiner: Crow, Stephen R.
 § Art Unit: 3764
 § Atty. Dkt. No.: 5787-00906

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8	
DATE OF DEPOSIT: <u>3/9/04</u>	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail on the date indicated above and is addressed to: Director of the U.S. Patent and Trademark Office Alexandria, VA 22313-1450  Jackie L. Pite	

INFORMATION DISCLOSURE STATEMENT

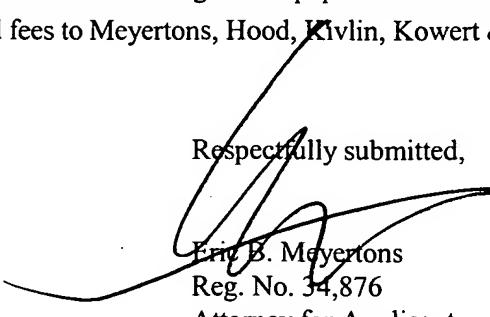
MS: Amendment
 Commissioner for Patents
 P.O. Box 1450
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Sir:

It is respectfully requested that this Information Disclosure Statement be entered and the documents listed on attached Form PTO-1449 (B1-B27) be considered by the Examiner and made of record. Copies of listed documents (B1-B27) are enclosed for the convenience of the Examiner.

It is believed that no fees are required for the filing of this paper. Should any fees be required, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account No. 50-1505/5787-00906/EBM.

Respectfully submitted,


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Date: 3/9/04



Form PTO-1449 (modified) List of Patents and Publications For Applicant's Information Disclosure Statement (Use several sheets if necessary)	ATTY. DOCKET NO: 5787-00906 APPLICANT: Robert E. Rodgers, Jr. FILING DATE: November 26, 2003	SERIAL NO: 10/723,707 CONFIRMATION NO. 7840 ART UNIT: 3764
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FOREIGN PATENT DOCUMENTS

EXAM. INITIALS	CITE. NO.	DOCUMENT NUMBER	DATE	COUNTRY	TRANSLATION. YES/NO
	B1	914842	1999/05/12	EP	
	B2	95/16502	1995/06/22	WO	

OTHER ART

EXAM. INITIALS	CITE. NO.	OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)
	B3	inshape, "A fitness machine for all reasons", relating to Precor C544, 1 page, undated.
	B4	"New Cardio Machines: Good for the Heart and Mind", Noah Liberman, HG&F, relates to Precor C544 Transport, 1 page, undated.
	B5	Health and Fitness, "Get Elliptical", 1 page, undated, but before mid-1996.
	B6	Profiles in Quality, "Precor: Work Out Smarter", Club Industry, 1 page, approx. 1995.
	B7	Home Gym and Fitness, "Inside Sports", 1 page, Spring 1996
	B8	Health & Fitness Business Buyer's Guide, "Commercial Market In Store for Surprise", 2 pages, Fall 1996.
	B9	Home Gym and Fitness, Inside Sports, "The New Cardio Machines" Easy on the Body, Good for the Heart", 2 pages, Winter 1996.
	B10	"Diet Wars The fads/the facts", SHAPE, 1 page, February 1996.
	B11	Article from Delaware State News, "Newest fitness stuff goes on display", Marilynn Preston, 1 page, July 31, 1996.
	B12	North Coast Sports, Vol. 3, Issue 8, 1 page, September 1996.
	B13	Sporting Goods, Machine Design, October 10, 1996.
	B14	Men's Fitness, "It's a stairmill...It's a treadclimber...It's an EFX", 2 pages, November 1996.
	B15	Fitness Product News, "Zero Impact Exercise", 2 pages, Nov./Dec. 1996.
	B16	Article from Poughkeepsie Journal, "Fitness machine flurry can be confusing", Allision Simmons, 1 page, January 16, 1997.
	B17	Health & Fitness, "Less Pain for the Gain", 1 page, February 24, 1997.
	B18	"one mean machine" relating to Precor Elliptical trainers, SHAPE, 1 page, March 1997.
	B19	Bacon's, "Spin to it!", "Fitness: New exercise machines that employ elliptical movements are a hot item at health clubs", 1 page, June 4, 1997.

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DATE CONSIDERED:

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	B20	Time digital, "How best to break a HIGH-TECH sweat?", relates to Precor EFX, 1 page, July/August 1997.
	B21	Cincinnati Enquirer, "Elliptical cross-trainers, outpacing traditional climbers", August 20, 1997.
	B22	The San Diego Union-Tribune, "New machines prove popular with gym rats", 1 page, November 5, 1997.
	B23	Health & Fitness Business Buyer's Guide, Cardiovascular, "Changing of the Guard", 2 pages, June 1999.
	B24	"Schwinn Fitness Harness the Force of Nature and You Possess the Strength of Confidence", Schwinn, Cycling & Fitness, Inc., catalog, 30 pages, 1996.
	B25	"Nautilus Home Health & Fitness Catalog", Nautilus, Inc. pages 1-56 (2004).
	B26	Provisional Patent Application entitled "Variable Stride Exercise Device", Attorney Docket No. 33270/US, Express Mail No. EV156971344US, 16 pages.
	B27	Provisional Patent Application entitled "Variable Stride Exercise Device" to Lull et al., Attorney Docket No. 34189/US, Express Mail No. EV423770351US, 59 pages.

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